

ORDINANCE AMENDMENT REVIEW SHEETC8
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Amendment: C20-2012-003 Cocktail Lounges in the Rainey Street Waterfront Overlay Subdistrict

Description: Consider an amendment to an ordinance amending Chapter 25-2-692 of the City Code relating to uses in the Rainey Street Waterfront Overlay Subdistrict, to make cocktail lounge a conditional use for properties zoned CBD that are also within the Rainey Street Waterfront Overlay Subdistrict.

Proposed Language: See attached draft ordinance.

Staff Recommendation: Staff recommends this amendment.

Background: Initiated by Planning Commission on January 24, 2012

Cocktail lounge use requires a minimum of one off-street parking spot per 100 sq. ft. of an establishment being used as cocktail lounge. The Rainey Street area, as described by the Rainey Street Waterfront Overlay Subdistrict, is primarily zoned DMU and CBD. These zoning districts allow off-street parking to be reduced to a minimum of 20 percent and a maximum of 60 percent of what would typically be required for a given use. The proliferation of cocktail lounges in the Rainey Street area (cocktail lounge is a conditional use in DMU and a permitted use in CBD), combined with reduced parking requirements, has led to an abundance of automobiles parked on-street, where foot traffic is also heavy, due to a lack of sidewalks. In addition, there is concern that the character of the Rainey Street area is changing due to the increased number of cocktail lounges in operation, and that any new proposals for said use should require additional scrutiny.

The proposed code amendment would make cocktail lounge use a conditional use in the Rainey Street Waterfront Overlay Subdistrict.

Board and Commission Actions

Planning Commission Subcommittee on Codes and Ordinances – Voted to not recommend this item to full Planning Commission on January 15, 2013. Vote: 4-0.

Planning Commission – A public hearing at Planning Commission has been set for January 22, 2013.

Council Action

City Council – A public hearing at City Council has been set for February 28, 2013.

Ordinance Number: NA

City Staff: Greg Dutton

Phone: 974-3509

Email: greg.dutton@austintexas.gov

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ORDINANCE NO. _____

**AN ORDINANCE AMENDING TITLE 25 OF THE CITY CODE RELATING TO
COCKTAIL LOUNGES IN THE RAINEY STREET AREA.**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. Chapter 25-2, Subchapter C, Article 3, Division 7, Section 25-2-692 is amended to read as follows:

25-2-692 WATERFRONT OVERLAY (WO) SUBDISTRICT USES.

(A) This subsection applies to the University / Deep Eddy subdistrict.

(1) The following uses are prohibited:

- (a) automotive rentals;
- (b) automotive repair services;
- (c) automotive sales;
- (d) automotive washing;
- (e) commercial off-street parking; and
- (f) a use with a drive-in service.

(2) The following are conditional uses:

- (a) hotel-motel;
- (b) service station;
- (c) local utility services.

(B) In the North Shore Central subdistrict, not less than 50 percent of the net usable floor area of the ground level of a structure adjacent to Town Lake must be used for pedestrian-oriented uses. The Land Use Commission may allow an applicant up to five years from the date a certificate of occupancy is issued to comply with this requirement.

(C) This subsection applies to the Red Bluff subdistrict.

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(1) The following uses are prohibited:

- (a) light manufacturing;
- (b) basic industry;
- (c) stockyards;
- (d) laundry services; and
- (e) resource extraction.

(2) The following are conditional uses:

- (a) automotive rentals;
- (b) automotive repair services;
- (c) automotive sales;
- (d) automotive washing;
- (e) commercial off-street parking;
- (f) a use with a drive-in service; and
- (g) warehousing and distribution.

(D) This subsection applies to the East Riverside subdistrict.

(1) The following uses are prohibited:

- (a) automotive rentals;
- (b) automotive repair services;
- (c) automotive sales;
- (d) automotive washing;
- (e) basic industry;
- (f) commercial off-street parking;
- (g) a use with a drive-in service;

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- (h) laundry services;
- (i) light manufacturing;
- (j) stockyards; and
- (k) warehousing and distribution.

(2) The following are conditional uses:

- (a) hotel-motel;
- (b) service station; and
- (c) local utility service.

(E) This subsection applies to the Travis Heights subdistrict.

(1) The following uses are prohibited:

- (a) automotive rentals;
- (b) automotive repair services;
- (c) automotive sales;
- (d) automotive washing;
- (e) basic industry;
- (f) commercial off-street parking;
- (g) laundry services;
- (h) light manufacturing;
- (i) stockyards; and
- (j) warehousing and distribution.

(2) The following are conditional uses:

- (a) hotel-motel;
- (b) service station; and

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(c) local utility service.

(F) In the South Shore Central subdistrict, not less than 50 percent of the net usable floor area of the ground level of a structure adjacent to Town Lake must be used for pedestrian-oriented uses. The Land Use Commission may allow an applicant up to five years from the date a certificate of occupancy is issued to comply with this requirement.

(G) This subsection applies to the Auditorium Shores subdistrict, except for a community events use.

(1) Not less than 50 percent of the net usable floor area of the ground level of a structure adjacent to Town Lake must be used for pedestrian-oriented uses. The Land Use Commission may allow an applicant up to five years from the date a certificate of occupancy is issued to comply with this requirement.

(2) Use of the area between the primary setback line and the secondary setback line is limited to:

- (a) cultural services;
- (b) day care services;
- (c) park and recreation services;
- (d) food sales; and
- (e) restaurant (limited) without drive-in service.

(H) In the Butler Shores subdistrict, not less than 50 percent of the net usable floor area of the ground level of a structure adjacent to Town Lake must be used for pedestrian-oriented uses. The Land Use Commission may allow an applicant up to five years from the date a certificate of occupancy is issued to comply with this requirement.

(I) Use of the Zilker Park subdistrict is limited to park-related structures.

(J) In the City Hall subdistrict, at least 50 percent of the net usable floor area of the ground level of a structure adjacent to Town Lake must be used for pedestrian-oriented uses. The Land Use Commission may allow an applicant up to five years from the date a certificate of occupancy is issued to comply with this requirement. This requirement does not apply to a building used by the City for a governmental function.

(K) This subsection applies to the Rainey Street subdistrict.

(1) The following uses are conditional:

1 (a) cocktail lounge

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3 **PART 4.** This ordinance takes effect on _____, 2012.

4 **PASSED AND APPROVED**

5 _____, 2012

6 §
7 §
8 §

9 _____
10 Lee Leffingwell
11 Mayor

12 **APPROVED:** _____
13 Karen M. Kennard
14 City Attorney

15 **ATTEST:** _____
16 Shirley A. Gentry
City Clerk



City of Austin

P.O. Box 1088, Austin, TX 78767
www.cityofaustin.org/housing

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Neighborhood Housing and Community Development Department 1000 East 11th Street Austin Texas 78702

DATE: January 9, 2013

TO: Greg Dutton,
Planning Development Review Department

FROM: Javier V. Delgado, Project Coordinator, AHFC

RE: AIS Determination for AN ORDINANCE AMENDING TITLE 25 OF THE
CITY CODE RELATING TO COCKTAIL LOUNGES IN THE RAINEY
STREET AREA.

Mr. Dutton:

Upon review of the proposed ordinance regarding cocktail lounges in Rainey Street as a conditional use, Neighborhood Housing & Community Development has determined NO IMPACT on affordable housing of affordable housing production. An Affordable Impact Statement review is not required. Please contact me if you have any questions.

Regards,

Javier V. Delgado
Project Coordinator

City of Austin- Neighborhood Housing & Community Development

EDUCATIONAL IMPACT STATEMENT

CITY OF AUSTIN CODE AMENDMENT

Austin Independent
School District



Prepared for the City of Austin



CODE AMENDMENT NAME: Cocktail in Rainey Street

CASE #: C20-2012-003

CS/d

☐ POTENTIAL IMPACT ON SCHOOL(S)

☒ NO IMPACT ON SCHOOL(S)

CODE AMENDMENT SUMMARY

Amend Section 25-2-692 (K) of the Austin City Code to allow a cocktail lounge as a conditional use within the Rainey Street subdistrict.

IMPACT ON SCHOOLS

The proposed code amendment change will not have an impact on AISD schools.

Date Prepared: 01/09/2013

Director's Signature: Paul Turner